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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,881	10/12/2001	Takashi Nose	Q65614	7625

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,881

Applicant(s)

NOSE, TAKASHI

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7-8. 6) ☐ Other: _____

DETAILED ACTION

This Application has been examined. The claims 1-9 and 11-20 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogawa (US patent 6,597,339).

Ogawa discloses in figure 1, a liquid crystal display (18) comprising a display panel; a back light (26) irradiating through the display panel; and a back light control circuit (24) controlling a brightness of said backlight (see back light drive circuit 24 can vary the luminance level of the back light 26, see column 4, lines 38-42), wherein said brightness of said back light is set to a first predetermined brightness when said display panel displays a dynamic image (see a plurality of adjustable luminance levels, and level 1 indicates 100%, or highest luminance, see column 5, lines 14-26) and said brightness of said back light is set to a second predetermined brightness when said display panel displays a static image (see the luminance of the back light 26 is at level 1 (100%) is change to low level 2 (70%) because back light on a basis of the battery or lapse of time to save the power consumption, and levels association with images displayed on the LCD, see figure 6, column 7, lines 50-54 and column 8, lines 14-17), wherein the first

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predetermined brightness is greater than the second predetermined brightness at a first period than at a second period (see the level 1 is 100% and level 2 is 70%); wherein the back light control circuit said light based on an image discriminating, and a controlling (14) said the display panel in response to the images (see figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa (US patent 6,597,339) in view of Furuhashi et al. (US patent 5,818,409).

Ogawa discloses in figure 1, a liquid crystal display (18) comprising a display panel; a back light (26) irradiating through the display panel; and a back light control circuit (24) controlling a brightness of said backlight (see back light drive circuit 24 can vary the luminance level of the back light 26, see column 4, lines 38-42), wherein said brightness of said back light is set to a first predetermined brightness when said display panel displays a dynamic image (see a plurality of adjustable luminance levels, and level 1 indicates 100%, or highest luminance, see column 5, lines 14-26) and said brightness of said back light is set to a second predetermined brightness when said display panel displays a static image (see the luminance of the back light 26 is at level 1 (100%) is change to low level 2 (70%) because back light on a basis of the battery or lapse of time to save the power consumption, and levels association with images displayed on

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the LCD, see figure 6, column 7, lines 50-54 and column 8, lines 14-17), wherein the first predetermined brightness is greater than the second predetermined brightness at a first period than at a second period (see the level 1 is 100% and level 2 is 70%); wherein the back light control circuit said light based on an image discriminating, and a controlling (14) said the display panel in response to the image (see figure 1). However, Ogawa does not disclose that wherein the display panel comprises a plurality of cells, and a scanning lines. Furuhashi et al. disclose in figure 12 and 18 that a LCD comprises a plurality of cells and the display having a scanning lines (see column 14, lines 66-67 and column 15, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Furuhashi et al. with plurality of cells and scanning lines into the device of Ogawa because this would be selected simultaneous scanning and driving of a plurality of row in a liquid crystal display unit.

5. Claims 11-12, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa (US patent 6,597,339) in view of Furuhashi et al. (US patent 5,818,409) as applied to claims 1, 5 above, and further in view of Hirano (US patent 5,894,304).

Ogawa discloses in figure 1, a liquid crystal display (18) comprising a display panel; a back light (26) irradiating through the display panel; and a back light control circuit (24) controlling a brightness of said backlight (see back light drive circuit 24 can vary the luminance level of the back light 26, see column 4, lines 38-42), wherein said brightness of said back light is set to a first predetermined brightness when said display panel displays a dynamic image (see a plurality of adjustable luminance levels, and level 1 indicates 100%, or highest luminance, see column 5, lines 14-26) and said brightness of said back light is set to a second predetermined

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brightness when said display panel displays a static image (see the luminance of the back light 26 is at level 1 (100%) is change to low level 2 (70%) because back light on a basis of the battery or lapse of time to save the power consumption, and levels association with images displayed on the LCD, see figure 6, column 7, lines 50-54 and column 8, lines 14-17), wherein the first predetermined brightness is greater than the second predetermined brightness at a first period than at a second period (see the level 1 is 100% and level 2 is 70%); wherein the back light control circuit said light based on an image discriminating, and a controlling (14) said the display panel in response to the images (see figure 1). Furuhashi et al. disclose a plurality of cells and scanning lines in the device, and a first frame and a second frame (see figure 27). However, Ogawa and Furuhashi et al. do not disclose a memory storing said first threshold value and detector and comparator detecting said ratio of the display panel. Hirano discloses in figure 6, a threshold circuit (13), a detector pen (3) and comparator (14) detecting in the liquid crystal panel (1) having a back light (2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Hirano with a threshold circuit, a detector pen and comparator of the LCD into the device of Ogawa and Furuhashi et al. as discussed above because this would detect the period signal generation circuit to the gate lines and compare an output from the threshold setting circuit (see column 5, lines 43-53).

Response To Arguments

6. Applicant's argument filed on 7-16-03 has been fully considered but they are not persuasive in view of new ground rejection.

Applicant argues that Rolston fail to disclose controlling the luminance of the backlight

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based upon whether an image displayed on the display panel is a dynamic or a static image.

However, this argument is not persuasive due to the teaching of Ogawa as discussed above.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231


Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kimnhung Nguyen
January 17, 2004


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600